

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 99248805 MODIFICATION NUMBER: 2 PROGRAM CODE: BG	DATE OF AWARD 09/28/2011	
			TYPE OF ACTION Augmentation: Increase		MAILING DATE 10/05/2011
			PAYMENT METHOD: Advance		ACH# 20047
			RECIPIENT TYPE: State		Send Payment Request to: Las Vegas Finance Center
RECIPIENT: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928			PAYEE: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420		
PROJECT MANAGER Judy Jengo 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: judy.jengo@dep.state.nj.us Phone: 609-292-2885		EPA PROJECT OFFICER Richard Yue 290 Broadway, DEPP/SPMM/SPT New York, NY 10007-1866 E-Mail: Yue.Richard@epamail.epa.gov Phone: 212-637-3424		EPA GRANT SPECIALIST Cynthia Pabon Grants and Contracts Management Branch, OPM/GCMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405	
PROJECT TITLE AND EXPLANATION OF CHANGES FY2011 - 2013 Performance Partnership Grant This amendment increases the amount of obligated federal funds by \$11,113,185, which brings the total federal funding (obligated and inkind) for this agreement to \$36,026,684. The Administrative and Programmatic terms and conditions have been amended to include new and revised conditions.					
BUDGET PERIOD 07/01/2010 - 06/30/2013		PROJECT PERIOD 07/01/2010 - 06/30/2013		TOTAL BUDGET PERIOD COST \$92,463,358.00	
				TOTAL PROJECT PERIOD COST \$92,463,358.00	
NOTICE OF AWARD					
Based on your Application dated 05/28/2010 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$11,113,185. EPA agrees to cost-share <u>67.43%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$36,026,684. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			ORGANIZATION / ADDRESS U.S. EPA, Region 2 Division of Environmental Planning and Protection 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 09/28/2011	

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 24,886,879	\$ 11,113,185	\$ 36,000,064
EPA In-Kind Amount	\$ 26,620	\$	\$ 26,620
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 30,111,747	\$	\$ 30,111,747
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 55,025,246	\$ 11,113,185	\$ 66,138,431

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134) Appropriations Act of 1998 (PL 105-65)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1102HE0495	11	E1	02T1	101A04E	4108	-	-	4,863,859
-	1102HE0495	11	E1	02T10DG	101A04E	4108	-	-	96,000
-	1102HE0495	11	E1	02T1	102A05E	4108	-	-	171,027
-	1102HE0495	11	E1C	02T1	102A05E	4108	-	-	133,973
-	1102HE0495	11	E1	02T1	201B03E	4108	-	-	399,649
-	1102HE0495	11	E1	02W1	201B08E	4108	-	-	123,200
-	1102HE0495	11	E1C	02T1	202B01E	4108	-	-	1,676,400
-	1102HE0495	11	E1	02T1	202B06E	4108	-	-	2,120,877
-	1102HE0495	11	E1C	02T1	202B06E	4108	-	-	169,500
-	1102HE0495	11	E1	02T1	202B06EP1	4108	-	-	90,300
-	1102HE0495	11	E1C	02T1	202B06EP1	4108	-	-	186,900
-	1102HE0495	11	E1	02T1	302D11E	4108	-	-	831,500
-	1102HE0495	11	E1	02W1	401C09E	4108	-	-	100,000
-	1102HE0495	11	E1	02W1	501E12E	4108	-	-	150,000
									11,113,185

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$46,635,757
2. Fringe Benefits	\$16,252,561
3. Travel	\$50,000
4. Equipment	\$1,464,650
5. Supplies	\$294,500
6. Contractual	\$3,318,250
7. Construction	\$0
8. Other	\$11,687,600
9. Total Direct Charges	\$79,703,318
10. Indirect Costs: % Base	\$12,760,040
11. Total (Share: Recipient <u>32.57</u> % Federal <u>67.43</u> %.)	\$92,463,358
12. Total Approved Assistance Amount	\$62,351,611
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$11,113,185
15. Total EPA Amount Awarded To Date	\$36,026,684

Administrative Conditions

The following conditions have been updated:

4. FEDERAL FINANCIAL REPORTS/GRANT CLOSEOUT

A) Interim Federal Financial Reports (FFRs)

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an interim annual Federal Financial Report (SF-425) to EPA no later than 90 calendar days following each anniversary of the start date of the agreement.

B) Final Federal Financial Report

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm> . All FFRs must be submitted to the Las Vegas Finance Center:

U.S. Environmental Protection Agency
Las Vegas Finance Center
PO Box 98515
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FFR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

8. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA, Region 2, Grants and

Contracts Management Branch prior to the budget/project period expiration dates. An interim FFR (SF-425), which covers all expenditures and obligations to date, must also be submitted to the Las Vegas Finance Office at the address below.

U.S. Environmental Protection Agency
Las Vegas Finance Center
PO Box 98515
Las Vegas, NV 89119

or by Fax to: 702-798-2423.

11. SINGLE AUDITS

In accordance with OMB Circular A-133, which implements the Single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor, if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit the SF-SAC and a Single Audit Report Package. **The recipient MUST** submit the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the single audit submissions, you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>

Programmatic Conditions

The following conditions are added:

9. SATISFACTORY PROGRESS - NONPOINT SOURCE

In accordance with the provisions of the Clean Water Act, Section 319(h)(8) and the "Nonpoint Source Program and Grants Guidelines for States and Territories" published in the Federal Register in 2003, EPA Region 2 has determined that New Jersey has made satisfactory progress in meeting the schedule of milestones as delineated in the state's management program plan or the annual state workplans. This determination was based on the review of the State's Annual Nonpoint Source Reports, State's data input into the Grants Reporting and Tracking System,(GRTS), status on annual workplan and grants applications, and any additional documents submitted in regards to the Section 319 Nonpoint Source Program.

Award of future nonpoint funds is contingent upon the availability of funds and continued satisfactory progress in meeting the schedule of established milestones.

10. OPERATION AND MAINTENANCE

The recipient will assure that best management practices (BMPs) cost-shared under this agreement are properly operated and maintained for the life of the practice, unless a particular BMP did not function as planned. The State must assure that any sub-award of Section 319 funds similarly include this condition. Additionally, EPA and the State reserve the right to periodically inspect a practice during the life span of the project and may request a refund for a project in which Operation and Maintenance is not performed.

11. NONPOINT SOURCE NATIONAL MEETINGS

States are to set aside an appropriate amount of Section 319 funds in order to attend National Nonpoint Source Meetings.

12. SUFFICIENT PROGRESS

EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

13. CLEAN WATER ACT SECTION 106 MONITORING INITIATIVE FUNDS WORKPLAN

The Clean Water Act Section 106 Federal Fiscal Year 2011 Monitoring Initiative Funds (PRC 202B06EP1) shall not be expended from this grant until the U.S. Environmental Protection Agency Region 2's (EPA) Monitoring Assessment Branch (MAB) receives the Federal Fiscal Year 2011 Monitoring Initiative Template and approves the use of the \$277,200 in CWA 106 monitoring funds. The Federal Fiscal Year 2011 Monitoring Initiative Template shall be submitted to EPA MAB by January 31, 2012.